



## Personnel and Administrative Policy and Procedure

<b>SUBJECT:</b> Americans with Disabilities Act (ADA)	<b>EFFECTIVE DATE:</b> December 15, 2006 <b>REVIEWED:</b> November 2011 <b>REVISED:</b> December 2012
<b>CATEGORY:</b> 200 <b>POLICY NUMBER:</b> 200.1	<b>CROSS REFERENCE:</b>

**Purpose:** To ensure that persons with qualified disabilities are not subjected to discrimination in the employment process based on disability status.

### Definitions

ADA: The Americans with Disabilities Act is a Federal law designed to protect individuals with disabilities from discrimination. For purposes of this procedure, the focus will be on the employment-related portion of the ADA.

Disability: A physical or mental impairment that substantially limits one or more major life activities (i.e. walking, seeing, hearing, etc.).

Qualified person with a disability: An individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the job the individual holds or desires and is further defined by the ADA. An individual is considered to have a disability if he or she has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.

**Objective:** Ensure compliance with the employment portion of the Americans with Disabilities Act.

**Scope:** All City employees.

**Policy:** It is the policy of the City to comply with the Americans with Disabilities Act and applicable state and local laws that forbid discrimination in employment against qualified individuals with disabilities. To this end the City will ensure that qualified individuals with disabilities are treated in a nondiscriminatory manner in the pre-employment process and in all terms, conditions, and privileges of employment. The City will give qualified applicants and employees with disabilities reasonable accommodations, except where making an accommodation would create an undue hardship on the City.

**Guidelines for Use:** When a qualified employee has a disability as defined by the ADA, the City is required by law to provide reasonable accommodation for the employee to enable him/her to perform the essential functions of their position.

Any employee who believes that he/she is having difficulty in continuing to meet the performance requirements of the job due to a physical or mental disability is encouraged to advise the supervisor or HR regarding the nature of the disability, the work limitation covered by the disability, and any suggested reasonable accommodation. This information is confidential and will be used only to evaluate reasonable accommodation alternatives to permit the employee to perform the essential functions of the job in a safe and efficient manner. Refusal to volunteer this information will not subject an employee to any adverse treatment or penalty. An applicant for employment may also initiate a request for accommodation in completing the recruitment and selection process.

## **Procedures**

1. Any employee or applicant may initiate a request to exercise their rights under the Americans with Disabilities Act.
2. All requests for reasonable accommodation from qualified applicants and employees with disabilities will be referred to the Human Resources Director.
3. The Human Resources Director will meet with the applicant or employee requesting he accommodation to discuss:
  - The purpose and essential functions of the job;
  - The precise limitations resulting from the disability;
  - Potential accommodations that could overcome those limitations.
4. In evaluating potential accommodations, the Human Resources Director may do the following:
  - Request a written statement from the disabled individual's physician to verify the disability and legitimate need for an accommodation;
  - Require the individual to be examined by a medical expert selected by the City to determine whether the employee has a disability and if so, the extent of the limitation and effective accommodations; or
  - Require access to the individual's medical records.
5. The Human Resources director and a manager who has a need to know (e.g. the individual's supervisor or prospective supervisor) will determine the feasibility of the requested accommodation in light of all the surrounding circumstances.
6. Once there is a decision about how an accommodation will be made, the Human Resources Director will inform the applicant or employee of the decision.
7. If suggested accommodations cause an undue hardship on the department or the City to implement, the HR Director and Department Director will determine, after significant review of all suggested accommodations, if a medical layoff due to inability to perform the essential functions of the job is necessary.
8. The City will maintain the employee's medical-related information in a confidential manner in files separate from the personnel files.

## **Responsibilities**

### Employee:

- To notify the supervisor or HR Director that an accommodation is being requested.
- To obtain necessary medical verification and provide any information requested regarding accommodation.

### Human Resources

- Provide the employee with the appropriate forms to obtain medical documentation.
- Work with the employee and the supervisor to determine if there is reasonable accommodation that can be made.
- Maintain the employee's medical related information in a confidential manner in a file separate from the personnel file.

### Supervisor

- Take all requests seriously, document the request, and notify Human Resources of the request.
- Participate in a discussion with the employee and human resources regarding reasonable accommodation.